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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 TRUSTEES OF THE ELECTRICAL
11 WORKERS HEALTH AND WELFARE
TRUST, *et al.*,

12 Plaintiffs,

13 v.

14 BRIGHT ELECTRIC, INC., *et al.*,

15 Defendants.
16

Case No. 2:11-CV-01746-KJD-CWH

ORDER

17 Presently before the Court is Plaintiff's Surreply (#52) in Support of Motion for Partial
18 Summary Judgment. Though the time for doing so has passed Defendant Bright Electric, Inc.
19 ("Bright or Defendant") has failed to file a response in opposition. On August 28, 2013, the Court
20 held an evidentiary hearing on Plaintiff's Motion for Partial Summary Judgment. On September 18,
21 2013, the Court granted the motion in part finding Defendant Bright liable for failure to pay
22 employee benefit contributions to Plaintiffs in accordance with Defendant's contractual obligations.
23 The Court then ordered Plaintiffs to file the present motion for summary judgment on damages to
24 which Bright has failed to respond.

25 When an employer fails to remit employee benefit contributions in accordance with the
26 employer's written obligations, the employer is subject to suit for its delinquencies. See 29 U.S.C. §

1 1145; see also 29 U.S.C. § 1132(g)(requiring an award of interest, liquidated damages and attorney's
2 fees in suits to enforce § 1145). The undisputed evidence shows that Bright owes unpaid
3 contributions totaling \$122,804.00. Here, the interest has accrued on the unpaid contributions in
4 accordance with the agreements in the amount of \$43,162.00. Liquidated damages equal to the
5 interest due must also be awarded totaling \$43,162.00. Additionally, the Court awards reasonable
6 attorneys fees and costs in the amount of \$68,067.00. The hours and fees charged are reasonable and
7 customary for the amount of work involved in this disputed action. Finally, the Court awards
8 Plaintiffs the costs of the audit, in the amount of \$2,630.00. Therefore, the Court grants Plaintiffs'
9 motion for summary judgment on damages in the amount of \$269,825.00.¹

10 Accordingly, IT IS HEREBY ORDERED that Plaintiffs' motion for summary judgment on
11 damages is **GRANTED**

12 IT IS FURTHER ORDERED that the Clerk of the Court enter **JUDGMENT** for Plaintiffs
13 and against Defendant Bright Electric, Inc. in the amount of \$269,825.00.

14 DATED this 9th day of July 2014.

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18 Kent J. Dawson
19 United States District Judge
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26 ¹As noted by Plaintiffs, the final amount reflects a \$10,000.00 payment made pursuant to the contractor's license bond issued by Defendant Platte River Insurance Company.